

**CUSTOMER NO.: 24498**  
**Serial No. 10/528,597**  
**Reply to Office Action dated: 03/04/08**  
**Response dated: 5/27/08**

**PATENT**  
**PF020121**

### **REMARKS**

In the Office Action, the Examiner noted that claims 1-18 are pending in the application and that claims 1-18 stand rejected. By this response, claims 1, 8, 12 and 16 are amended to correct for formality errors pointed out by the Examiner and to more clearly define the invention of the Applicant and not in response to prior art.

In view of the amendments presented above and the following discussion, the Applicant respectfully submits that none of the claims now presently in the application are anticipated under the provisions of 35 U.S.C. § 102 or rendered obvious under the provisions of 35 U.S.C. § 103. Furthermore, the Applicant also submits that all of these claims now satisfy the requirements of 35 U.S.C. § 112. Thus, the Applicant believes that all of these claims are now in allowable form.

### **Objections**

#### **A. Specification**

The Examiner objected to the Applicant's Specification indicating that the Specification should include various sections.

The Applicant would like to point out to the Examiner the Amendment to the Specification herein and the Amendments made to the Applicant's Specification in a Preliminary Amendment entered on March 21, 2005. In light of the Amendments presented herein and in the Preliminary Amendment entered on March 21, 2005, the Applicant respectfully submits that the Applicant's Specification contains all of the appropriate sections recommended by 37 CFR 1.77(b).

### **Rejections**

#### **A. 35 U.S.C. § 112**

The Examiner rejected claims 12 and 16 under 35 U.S.C. 112, second paragraph as being indefinite for failing to particularly point out and distinctly claim the subject matter which the Applicant regards as the invention.

Regarding claim 12, the Examiner states that the limitation of "the means of display" on line 2 has no antecedent basis.

**CUSTOMER NO.: 24498****Serial No. 10/528,597****Reply to Office Action dated: 03/04/08****Response dated: 5/27/08****PATENT  
PF020121**

In response, the Applicant has herein amended claim 12 to remove the limitation "the means of display" and instead to recite "a means of display". Having done so, the Applicant respectfully submits that the basis for the Examiner's rejection of claim 12 has been removed. Therefore, the Applicant respectfully requests that the Examiner's rejection of claim 12 be withdrawn.

Regarding claim 16, the Examiner states that the limitation "said means" on line 4 renders the claim unclear.

In response, the Applicant has herein amended claim 16 to recite "said means of selection". Having done so, the Applicant respectfully submits that the basis for the Examiner's rejection of claim 16 has been removed. Therefore, the Applicant respectfully requests that the Examiner's rejection of claim 16 be withdrawn.

**B. 35 U.S.C. § 102**

The Examiner rejected the Applicant's claims 1-2, 5-9 and 13-16 under 35 U.S.C. § 102(b) as being anticipated by the disclosure in the owner's manual for the 8-IN-1 UNIVERSAL REMOTE CONTROL (1990 Tandy Corporation). The rejection is respectfully traversed.

"Anticipation requires the presence in a single prior art reference disclosure of each and every element of the claimed invention, arranged as in the claim" (Lindemann Maschinenfabrik GmbH v. American Hoist & Derrick Co., 730 F.2d 1452, 221 USPQ 481, 485 (Fed. Cir. 1983)) (emphasis added).

The Applicant respectfully submits that the owner's manual for the 8-IN-1 UNIVERSAL REMOTE CONTROL absolutely fails to teach each and every element of the claimed invention arranged as in at least claim 1, which specifically recites:

"A method of control of at least two electronic appliances with the aid of a remote device comprising means of control and a means of selection of an appliance from a plurality of appliances, wherein the method comprises the steps:

- programming at least two associations between at least two means of control and at least two appliances of said plurality of appliances,
- activating the device in a first mode where the appliance selected by the means of selection is controlled by the means of control according to associations that are not programmed during the step of programming,

**CUSTOMER NO.: 24498****Serial No. 10/528,597****Reply to Office Action dated: 03/04/08****Response dated: 5/27/08****PATENT  
PF020121**

- activating the device in a second mode wherein at least two appliances are continuously controlled by the means of control according to the associations performed during the programming step, said activating in the second mode being triggered by inputting a command on the means of selection, and
- re-activating the device in a first mode by inputting a new command on the means of selection."

The Applicant's invention, and at least the Applicant's amended claim 1, is directed at least in part to the fact that the method allows the controlling of at least two electronic appliances with the aid of a remote device. In a first mode the remote device controls the appliance selected by the means of selection. In a second mode, the remote device continuously controls at least two appliances by pressing on keys. The moving from a mode to another mode is controlled by the means of selection.

The owner's manual for the 8-IN-1 UNIVERSAL REMOTE CONTROL discloses a universal remote control. In the Tandy Manual, the remote control comprises a screen and a key pad. The remote can be configured in a learning command mode (see page 10). In this mode, for example:

*"you can program a command sequence to turn on your cable box, select your favorite cable channel, turn your VCR, and begin recording on your VCR" (See at the top of the column 12).*

Therefore, this remote control allows the programming of sequences that allows controlling of several devices by triggering a command. The programming of a command sequence is disclosed in columns 12 and 13. The using of a command sequence is disclosed in the column 15, and specifically recites:

*"After you teach a command sequence to the URC, use the following procedure to test and perform the sequence*

- 1. point the sensor directly toward the devices(s)...*
- 2. press [SEQUENCE], followed by the command key you used to activate the sequence..."*

CUSTOMER NO.: 24498  
Serial No. 10/528,597  
Reply to Office Action dated: 03/04/08  
Response dated: 5/27/08

PATENT  
PF020121

Therefore, it is clear that, in the Tandy Manual, for using a programmed sequence, the user firstly presses a specific key (SEQUENCE), and at this time the remote enters a new mode. Secondly in the Tandy Manual, the user presses the key corresponding to the desired sequence and the IR codes defining the command are sent toward the associated device(s). If the user wants to send another sequence, the user has to again press the key, SEQUENCE, and then the key corresponding to the desired sequence.

In absolute contrast to the invention of the Tandy Manual, in the invention of the Applicant, in the second mode, the means of selection allows continuously controlling several devices according to the associations performed during the programming step.

The Tandy owner's manual does not disclose that the remote remains in a permanent mode where at least two appliances are continuously controlled by the means of control according to the associations performed during the programming step as taught in the Applicant's Specification and as claimed by at least the Applicant's claim 1. Instead, according to the teachings of the Tandy owner's manual, it is necessary, each time a user wishes to control a device, to get into a special the mode "using a command sequence". In contrast to the teachings of the Tandy owner's manual, in the Applicant's invention, it is not necessary to get into a special mode for each device because the means of selection includes a specific position enabling the configuration of the remote to control at least two devices.

Therefore, the Applicant respectfully submits that at least the Applicant's teachings and claims of

"- activating the device in a second mode wherein at least two appliances are continuously controlled by the means of control according to the associations performed during the programming step, said activating step being triggered by inputting a command on the means of selection" and

"- re-activating the device in a first mode by inputting a new command on the means of selection"

are not taught, suggested or anticipated by the Tandy owner's manual.

That is, the Applicant respectfully submits that the Tandy owner's manual absolutely fails to teach, disclose or anticipate each and every element of the

**CUSTOMER NO.: 24498**  
**Serial No. 10/528,597**  
**Reply to Office Action dated: 03/04/08**  
**Response dated: 5/27/08**

**PATENT**  
**PF020121**

claimed invention, arranged as in at least the Applicant's amended claim 1 as required for anticipation.

Therefore, the Applicant submits that for at least the reasons recited above, the Applicant's claim 1 is not anticipated by the teachings of the Tandy owner's manual, and as such, fully satisfies the requirements of 35 U.S.C. § 102 and is patentable thereunder.

Likewise, the Applicant's claim 8 is an independent claim that recites similar relevant features as the Applicant's claim 1. The Applicant respectfully submits that for at least the same reasons as recited above with reference to the Applicant's amended claim 1, independent claim 8 is also not anticipated by the teachings of Tandy owner's manual and, as such, fully satisfies the requirements of 35 U.S.C. § 102 and is patentable thereunder.

Furthermore, dependent claims 2, 5-7, 9 and 13-16 depend directly or indirectly from the Applicant's independent claims 1 and 8 and recite additional features therefor. As such and for at least the reasons recited above, the Applicant submits that dependent claims 2, 5-7, 9 and 13-16 are also not anticipated by the teachings of the Tandy owner's manual. Therefore the Applicant submits that dependent claims 2, 5-7, 9 and 13-16 also fully satisfy the requirements of 35 U.S.C. § 102 and are patentable thereunder.

The Applicant reserves the right to establish the patentability of each of the claims individually in subsequent prosecution.

**C. 35 U.S.C. § 103**

The Examiner rejected claims 4 and 11-12 under 35 U.S.C. § 103(a) as being unpatentable over the owner's manual for the 8-IN-1 UNIVERSAL REMOTE CONTROL as applied to claims 1 and 8 above and further in view of Stacy et al. (US 6,127,961, hereinafter "Stacy"). The rejection is respectfully traversed.

The Examiner applied the owner's manual for the 8-IN-1 UNIVERSAL REMOTE CONTROL for the rejection of claims 4 and 11-12 as applied above for the rejection of the Applicant's claims 1 and 8. As stated above, the Applicant submits that the teachings of the owner's manual for the 8-IN-1 UNIVERSAL REMOTE CONTROL absolutely fail to teach, suggest, anticipate or render obvious

**CUSTOMER NO.: 24498****Serial No. 10/528,597****Reply to Office Action dated: 03/04/08****Response dated: 5/27/08****PATENT  
PF020121**

at least the Applicant's claims 1 and 8. As such and for at least the reasons recited above, the Applicant further submits that the teachings of the owner's manual for the 8-IN-1 UNIVERSAL REMOTE CONTROL absolutely fail to teach, suggest, anticipate or render obvious at least the Applicant's claims 4 and 11-12 which depend directly from the Applicant's claims 1 and 8, respectively.

The Applicant further submits that the teachings of Stacy absolutely fail to bridge the substantial gap between the teachings of the owner's manual for the 8-IN-1 UNIVERSAL REMOTE CONTROL and the invention of the Applicant.

Stacy discloses a programmable remote control suitable for sending IR control codes for a plurality of controllable devices. The remote control comprises several control keys 20 corresponding to several devices : TV, VCR, CABLE, AUX1, AUX2. The devices comes from different manufacturers, therefore, the sent IR code depends on the manufacturer. The programmable remote control has a configuration step consisting in associating a control key 20 to a manufacturer. By this way, when the remote is configured to control a specific device, the IR code corresponding to the manufacturer of this device is sent.

Stacy does not disclose that the remote control comprises two running modes : a first mode where the appliance selected by the means of selection is controlled by the means of control and a second mode where several appliances are controlled by the means of selection according to the associations performed during the programming step, said activating step being triggered by the means of selection.

Moreover, the programming means according to STACY consists in associating a key corresponding to a specific device with a manufacturer, therefore STACY does not disclose a means of programming of "associations between a means of control and one appliance amongst a plurality of appliances" as taught in the Applicant's Specification and as claimed by at least the Applicant's claims 1 and 8.

In even further contrast to the invention of the Applicant, the programming means according to Stacy consists in associating a key corresponding to a specific device with a manufacturer, therefore Stacy does not disclose a means of programming of "associations between a means of control and one appliance

**CUSTOMER NO.: 24498****Serial No. 10/528,597****Reply to Office Action dated: 03/04/08****Response dated: 5/27/08****PATENT  
PF020121**

amongst a plurality of appliances" as taught and claimed by the Applicant. More specifically, the Applicant submits that Stacy absolutely fails to teach, suggest or anticipate at least "- activating the device in a second mode wherein at least two appliances are continuously controlled by the means of control according to the associations performed during the programming step, said activating step being triggered by inputting a command on the means of selection" and "- re-activating the device in a first mode by inputting a new command on the means of selection" as taught in the Applicant's Specification and as claimed by at least the Applicant's claims 1 and 8.

In addition, the Applicant submits that the Examiner concedes that the Stacy reference alone fails to render the Applicant's claims 4 and 11-12 obvious. That is, the Examiner only applied Stacy to the Applicant's claims for teaching a method of using a programmable remote control having a step of displaying a visual identifier of an appliance. However, as recited above, Stacy absolutely fails to teach, suggest or render obvious the Applicant's claims 1 and 8 and as such also fails to teach, suggest or render obvious the Applicant's claims 4 and 11-12, which depend directly from the Applicant's claims 1 and 8.

Therefore, and for at least the reasons recited above, the Applicant submits that any allowable combination of the owner's manual for the 8-IN-1 UNIVERSAL REMOTE CONTROL and Stacy fail to teach, suggest or render obvious the Applicant's invention, at least with respect to the Applicant's claims 1 and 8, and as such, claims 4 and 11-12, which depend directly from the Applicant's claims 1 and 8.

Therefore, the Applicant submits that for at least the reasons recited above, the Applicant's claims 4 and 11-12 are not rendered obvious by the teachings of the owner's manual for the 8-IN-1 UNIVERSAL REMOTE CONTROL and Stacy, alone or in any allowable combination and, as such, fully satisfy the requirements of 35 U.S.C. § 103 and are patentable thereunder.

The Applicant reserves the right to establish the patentability of each of the claims individually in subsequent prosecution.

**CUSTOMER NO.: 24498****Serial No. 10/528,597****Reply to Office Action dated: 03/04/08****Response dated: 5/27/08****PATENT  
PF020121****D. 35 U.S.C. § 103**

The Examiner rejected claims 3 and 10 under 35 U.S.C. § 103(a) as being unpatentable over the owner's manual for the 8-IN-1 UNIVERSAL REMOTE CONTROL as applied to claims 1-2 and 8-9 above and further in view of Nakajima (US 5,949,151). The rejection is respectfully traversed.

The Examiner applied the owner's manual for the 8-IN-1 UNIVERSAL REMOTE CONTROL for the rejection of claims 3 and 10 as applied above for the rejection of the Applicant's claims 1 and 8. As stated above, the Applicant submits that the teachings of the owner's manual for the 8-IN-1 UNIVERSAL REMOTE CONTROL absolutely fail to teach, suggest, anticipate or render obvious at least the Applicant's claims 1 and 8. As such and for at least the reasons recited above, the Applicant further submits that the teachings of the owner's manual for the 8-IN-1 UNIVERSAL REMOTE CONTROL absolutely fail to teach, suggest, anticipate or render obvious at least the Applicant's claims 3 and 10 which depend indirectly from the Applicant's claims 1 and 8, respectively.

The Applicant further submits that the teachings of Nakajima absolutely fail to bridge the substantial gap between the teachings of the owner's manual for the 8-IN-1 UNIVERSAL REMOTE CONTROL and the invention of the Applicant. More specifically and in contrast to the invention of the Applicant, Nakajima teaches and discloses an antitheft apparatus for a vehicle. Nakajima provides an electronic control member for preventing the stealing of a vehicle and an electronic control member for controlling ignition timing of an ignition device which are formed integrally and disposed in one package to thereby provide an antitheft apparatus for a vehicle which is small, economical, and highly capable of preventing theft.

The Applicant submits that the teachings of Nakajima have absolutely nothing to do with the art of the invention of the Applicant and absolutely fail to teach, suggest or make obvious at a first mode where the appliance selected by the means of selection is controlled by the means of control and a second mode where several appliances are controlled by the means of selection according to the associations performed during the programming step, said activating step being triggered by the means of selection as taught in the Applicant's Specification and as claimed by at least the Applicant's claims 1 and 8.



**CUSTOMER NO.: 24498**  
**Serial No. 10/528,597**  
**Reply to Office Action dated: 03/04/08**  
**Response dated: 5/27/08**

**PATENT**  
**PF020121**

The Applicant further submits that Nakajima absolutely fails to teach, suggest or anticipate at least "- activating the device in a second mode wherein at least two appliances are continuously controlled by the means of control according to the associations performed during the programming step, said activating step being triggered by inputting a command on the means of selection" and "- re-activating the device in a first mode by inputting a new command on the means of selection" as taught in the Applicant's Specification and as claimed by at least the Applicant's claims 1 and 8.

In addition, the Applicant submits that the Examiner concedes that the Nakajima reference alone fails to render the Applicant's claims 3 and 10 obvious. That is, the Examiner only applied Nakajima to the Applicant's claims for teaching generating alarms when an unauthorized operation is detected. However, as recited above, Nakajima absolutely fails to teach, suggest or render obvious the Applicant's claims 1 and 8 and as such also fails to teach, suggest or render obvious the Applicant's claims 3 and 10, which depend indirectly from the Applicant's claims 1 and 8.

Therefore, and for at least the reasons recited above, the Applicant submits that any allowable combination of the owner's manual for the 8-IN-1 UNIVERSAL REMOTE CONTROL and Nakajima fail to teach, suggest or render obvious the Applicant's invention, at least with respect to the Applicant's claims 1 and 8, and as such, claims 3 and 10, which depend indirectly from the Applicant's claims 1 and 8. Therefore, the Applicant submits that for at least the reasons recited above, the Applicant's claims 3 and 10 are not rendered obvious by the teachings of the owner's manual for the 8-IN-1 UNIVERSAL REMOTE CONTROL and Nakajima, alone or in any allowable combination and, as such, fully satisfy the requirements of 35 U.S.C. § 103 and are patentable thereunder.

#### Conclusion

Thus the Applicant submits that none of the claims, presently in the application, are anticipated under the provisions of 35 U.S.C. § 102 or rendered obvious under the provisions of 35 U.S.C. § 103. Furthermore, the Applicant also submits that all of these claims now satisfy the requirements of 35 U.S.C. §112.

**CUSTOMER NO.: 24498****Serial No. 10/528,597****Reply to Office Action dated: 03/04/08****Response dated: 5/27/08****PATENT  
PF020121**

Consequently, the Applicant believes that all these claims are presently in condition for allowance. Accordingly, both reconsideration of this application and its swift passage to issue are earnestly solicited.

If however, the Examiner believes that there are any unresolved issues requiring adverse final action in any of the claims now pending in the application, or if the Examiner believes a telephone interview would expedite the prosecution of the subject application to completion, it is respectfully requested that the Examiner telephone the undersigned.

No fee is believed due. However, if a fee is due, please charge the additional fee to Deposit Account No. 07-0832.

Respectfully submitted,

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